SINGLE BENCH

IN THE HIGH COURT OF CHHATTISGARH JUDICATURE AT

BILASPUR

W. P.No. C 92 **/2007**

PETITIONERS :

1. Ramesh Kumar Chhabra, aged 44 years.

2. Rajesh Kumar Chhabra, aged 42 years.
Both S/o Prakash Chhabra, R/o New Bus Stand Road, Bilaspur Tahsil & District, Bilaspur.

V E R S U S

RESPONDENTS :

1. Baldeo Krishna Chhabra, aged 46 years.

2. Subhash Chandra Chhabra, aged 44 years.
Both S/o Malikram Chhabra, R/o Gond Para, Bilaspur, Tashil & District, Bilaspur.

3. Charanjit Chhabra, aged 58 years, S/o Jagatram Chhabra, R/o Telipara, Tahsil & District Bilaspur.

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(45)

मामला क्रमांक ....C.P.(C).No...92/07 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	24.1.2007 Mr. P. Diwakar, Sr. Advocate with Mr. Anup Mazumdar, Advocate for the petitioners. Heard. The petitioners are aggrieved by the order dated 19.2.1998 of Annexure P-1 of learned District Judge, Bilaspur. Learned District Judge taking into consideration the order dated 31.3.1997 passed in Civil Revision No.1951/95 and further considering the order dated 21.10.1997 passed in Revision Petition No.1824/97, on refusal of the petitioner Ramesh Kumar Chhabra to take possession of Jagat Dal Mill, directed the petitioner Ramesh Kumar Chhabra to deposit Rs.3,000/- per month for payment of salary to two Watchmen at the rate of Rs.1,500/- per month, to pay a sum of Rs.1,000/- for payment of salary to the Mechanic for regular maintenance of the mill and further to pay a sum of Rs.5,000/- for payment towards electricity bill. Other directions were given to the Court Receiver for appointment of two Watchmen on the salary of Rs.1,500/- per month each for safety of the mill. Learned Sr. Counsel for the petitioners submits that simply because the petitioner Ramesh Kumar Chhabra has refused to take the possession of Dal mill as per directions of the High Court, the	

P.T.O.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(46)

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

petitioner Ramesh Kumar alone cannot be saddled with the responsibility of payment of aforesaid payments. He further submits that in any case the petitioner Ramesh Kumar has not committed any willful violation of the Court's order and therefore, no contempt proceeding can be initiated against him.

I have heard learned Sr. Advocate for the petitioners.

I have perused Paragraph 34 (e) & (f) of the order dated 31.3.1997 passed in Civil Revision No.1951/95 as also the impugned order and I am of the considered opinion that since the Court Receiver was directed to handover the possession of mill to petitioner Ramesh Kumar Chhabra and since he refused to take possession and a review petition was also rejected by the High Court with a direction to take necessary steps in case petitioner Ramesh Kumar refuses to take possession of the mill, there is no illegality or infirmity committed by the court below in passing the impugned order, which has been passed by learned District Judge for ensuring the safety of mill, calling interference by this Court under Article 227 of the Constitution of India.

The petition being devoid of substance is liable to be dismissed and it is hereby dismissed.

Sd/-
Dhirendra Mishra
Judge

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